EXPIRATION DATE:
July 23, 2004

PERMIT NO:
86-VP-08f

SHASTA COUNTY
DEPARTMENT OF RESOURCE MANAGEMENT
AIR QUALITY MANAGEMENT DISTRICT

WHEELABRATOR SHASTA ENERGY COMPANY, INC.
(Applicant)

IS HEREBY GRANTED A

TITLE V OPERATING PERMIT

SUBJECT TO CONDITIONS NOTED

ENERGY FACILITY
(Nature of Activity)

AT **P.O. BOX 7000, (20811 INDUSTRY RD.), ANDERSON, CA 96007**

DATE ISSUED: July 23, 1999

APPROVED: __

Air Pollution Control Officer

WHEELABRATOR SHASTA ENERGY COMPANY, INC.
TITLE V PERMIT TO OPERATE #86-VP-08f
July 23, 1999

TABLE OF CONTENTS

EQUIPMENT LIST

3 Each -	Zurn traveling grate, staged combustion membrane waterwall boilers each producing 190,000 lb/hr steam
3 Each -	Ash Reinjection Systems
3 Each -	Multiclone Collectors
3 Each -	Environmental Elements Three-Field Electrostatic Precipitators
3 Each -	Ammonia Injection NOX Control Systems

2 Each - Multicell Evaporative Cooling Towers
1 Each - Fuel Receiving System
2 Each - Truck Scales
3 Each - Platform Truck Dumpers
1 Each - Fuel Storage and Reclaim System
1 Each - 50' high Stacker
2 Each - 1100' long 130 ton/hr Overpile Reclaimers
1 Each - 50 ton Hammer Hog with Scalpers and Conveyers
1 Each - Alternate Fuel Dumping Bin, Metering Bin, and Conveyers
1 Each - 50" De-barker
1 Each - 52" V-Drum Chipper
1 Each - Roto-Drum Chipper
1 Each - North Hog, Hammermill
1 Each - 16X24 Chip Screen
1 Each - 48" Chipper
1 Each - Chip Cyclone
1 Each - 100 unit Chip Bin

EMISSION LIMITS AND STANDARDS

1. No person shall discharge contaminants from any single source into the atmosphere in amounts greater than those designated below (unless governed by EPA New Source Performance Standard). All emissions are to be measured by methods approved for use by the Air Pollution Control Officer (APCO). Any method approved by the U.S. Environmental Protection Agency (EPA) and/or the California Air Resources Board (CARB) is approved for use by the APCO:

   a. **Combustion Particulate Matter**[1,2].....0.10 gr/dscf

   b. **Particulate Matter Less Than or Equal to 10 in Size**[1,2].....0.05 gr/dscf

   c. **All Other Particulate Matter**[1,2].....0.15 gr/dscf

   d. **Maximum Hourly Particulate Matter (E) as a Function of Process Weight (P_t)in Tons Per Hour**

      Where E = lbs/hr

      Less Than or Equal to 30 Tons/Hour.....$E = 4.1\ P_t^{.67}$

e. **Oxides of Sulfur (as SO2)**[1,2,3].....300 ppm

f. **Oxides of Nitrogen (as NO2)**[1,2,3].....250 ppm

g. **Opacity**[4]
Ringelmann #2 and/or 40% equivalent opacity pursuant to CHSC Section 41701

Footnotes:

[1]Calculated at standard conditions: 70° F, one atmosphere, dry gas basis.

[2]When the emissions are generated by a combustion process, the gas volume shall be corrected to 12% CO_2 at standard temperature and pressure.

[3]The Air Pollution Control Officer may specify an appropriate correction and/or reporting factor depending upon the type of process involved

[4]This requirement does not apply to smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fuels when the emission result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. However, this exemption does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.

Note: Condition No. 5 of this permit contains emission limitations for the boilers which are more stringent than the above limits, and therefore subsume or take place of the above limits in the case of the subject boilers. All other emission sources at the facility are subject to the emission limits stated in this condition.

[SCAQMD Rule 3:2, Specific Air Contaminants, 54 FR 14650, 4/12/89]

2. A person shall not discharge more than forty (40) pounds of photochemically reactive solvents into the atmosphere in any one day from any article, machine, equipment, or other contrivance used for

employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in District Rule 1:2, or material containing such solvent, unless all photochemically reactive solvents discharged from such article, machine, equipment, or other contrivance have been reduced either by at least 85 percent overall **or** to not more than forty (40) pounds in any one day. The provisions of this condition shall not apply to:

a. The spraying or other employment of insecticides, pesticides, or herbicides.

b. The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

c. The employment or application of polyester resins or acetone used in a fiberglass reinforced plastics operation.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical groups, i.e., the groups having the least allowable percent of the total of solvents.

No person shall discharge from any device, contrivance, or machine more than forty (40) pounds per day of any photochemically reactive substance other than those described above unless such discharge is controlled to reduce emissions by 85 percent.

[SCAQMD Rule 3:4, Industrial Use of Organic Solvents, 49 FR 47491, 10/3/84]

3. With respect to stack opacity, the provisions of California Health and Safety Code Section 41701 and Section 60.43b(f) of subpart Db of 40 CFR Part 60 of the Code of Federal Regulations shall apply at all times. These provisions limit stack opacity to less than the equivalent of Ringlemann No. 2 on the Ringlemann chart, as published by the United States Bureau of Mines for any period or periods aggregating more than three (3) minutes in any one hour and less than or equal to 20% opacity (6 minute average), except for one(1) 6-minute period per hour of not more than 27% opacity as determined by EPA Method 9.

[District Permit 86-PO-08f, Condition 18]

4. Best available control technology (BACT) for this facility shall be defined as:

   a. For particulate matter:
      (1) Char/fly ash reinjection
      (2) Multiclone collector
      (3) Electrostatic precipitator (minimum three-field unit design)

   b. For carbon monoxide, oxides of nitrogen, volatile organic compounds, and sulfur dioxide:
      (1) Control of underfire air
      (2) Control of overfire air
      (3) Control of fuel feed rate
      (4) Control of fuel moisture content
      (5) Control of combustion excess air

   c. For oxides of nitrogen:
      (1) Ammonia injection selective non-catalytic reduction system

   The above delineated control technologies shall be used at all times to achieve the emission limitations in Condition #5 of this permit.

   [District Permit 86-PO-08f, Condition 20]

5. The following emission limitations shall apply:

   a. Particulate matter shall not exceed 0.01 gr/dscf or 8.0 lb./hr. for each boiler (front half only) at standard temperature and pressure and at 12 percent CO_2. Testing shall be in accordance with EPA Method 5, on a schedule pursuant to Condition #23.

   b. Particulate matter shall not exceed 20 pounds per hour for each boiler in accordance with ARB Method 5, including filter catch, probe catch, impinger catch and solvent extract, analyzed on a schedule pursuant to Condition #23.

   c. Non-methane hydrocarbons shall not exceed 135 ppmv dry basis at 12 percent CO_2 for each boiler and 89 lb/hr total for all three (3) boilers based on a three-hour average. Non-methane hydrocarbons shall be analyzed by EPA Method 18/25A on a schedule pursuant to Condition #23.

   d. Oxides of sulfur shall not exceed 17 ppmv dry basis at 12 percent CO_2 for each boiler and 45 lb/hr total for all three boilers,

based on a three-hour average. Oxides of sulfur shall be analyzed by ARB Method 100 on an annual basis when feeding creosote-treated wood at the maximum actual historical daily feed rate for the subject calendar year as determined from Condition #12. The test results shall be adjusted to reflect the maximum monthly sulfur content of the creosote-treated wood for the current calendar year when calculating the maximum hourly emissions of sulfur oxides. Total annual emissions of oxides of sulfur from all three boilers shall be limited to 52.4 Tons/yr. Total annual emissions of oxides of sulfur from fuels listed in Condition 11(g), 11(h), and 11(k) shall not exceed 39.9 Tons/yr. as calculated from monthly throughput, the annual average of sampling results specified in Condition #18 (g), and a conversion factor of 0.60 lb. SO_2/lb. S input.

e. An ammonia injection system shall be utilized on each boiler in such a manner as to limit NOX emissions to a maximum of 0.15 lb/MMBtu on a 30-day rolling average basis, a three (3) boiler average of 115 ppmv dry basis at 12 percent CO2 based on a three-hour block average period, and 152.6 lb/hr total from all three boilers based on a three hour averaging period. Compliance with lb/hr limitation shall be determined by source testing each boiler annually in accordance with ARB Method 100, and compliance with the ppmv and lb/MMBtu limitations shall be determined by using the continuous emission monitoring system at the facility.

f. Carbon monoxide emissions shall not exceed a three-boiler average of 1200 ppmv dry basis at 12 percent CO_2 and 793 lb/hr total for all three boilers, based on a three-hour average. Compliance with the lb/hr limitation shall be determined by source testing each boiler annually in accordance with ARB Method 100 and compliance with the ppmv limitation shall be determined by using the continuous emission monitoring systems at the facility.

[District Permit 86-PO-08f, Condition 23]

6. Fugitive emissions, including but not limited to any of the following, shall be controlled at all times such that a public nuisance is not created at any point beyond the plant property line:

a. <u>Dust from unpaved roads or any other non-vegetation-covered area</u>

Such roads and areas shall be controlled by applying a dust

palliative or water as required to prevent fugitive emissions from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard.

b. Fugitive sawdust from fuel pile areas or fuel-handling devices

The following measures shall be used to control fugitive emissions from these sources:

1) All storage, shredding, and cubing activities associated with fuel cube production shall be done inside an all-metal building designed especially for these purposes. A baghouse shall be utilized to control dust emissions from the cubing facility to 0.010 grains per dry standard cubic foot in accordance with ARB Method 1-5.

2) The fuel cubes shall be fed directly from the cubing facility or metering bin to the boiler feed system or sold to other companies if cube production exceeds internal demand. Under no circumstances shall fuel cubes be stored outside of the cubing facility building unless the cubes are covered. Cross contamination of the hog-wood fuel storage pile with fuel cubes shall not exceed two (2) percent by weight.

3) The scrapped waxed and non-waxed corrugated cardboard and the wood-reinforced cardboard box material shall be processed concurrently and mixed with other hogged fuel processed by the Log Chipping System (Permit to Operate #86-PO-08f) to reduce the chance of wind reintrainment of the cardboard material. The chipped creosote-treated wood products, the cardboard material, and any hogged fuel co-processed by the Hog Chipping System will only be allowed to be stored separately from other fuels in a designated area at the north end of the fuel piles. A maximum of 10,000 bone dry tons (BDT) of this material shall be stored on site at any time and the material shall be fed through a metering bin which shall discharge on to the existing fuel feed conveyor system. Cross contamination of the main fuel storage pile(s) with the creosote-treated wood products/cardboard mix shall not exceed two (2) percent by weight. Fugitive emissions of creosote-treated wood product/cardboard mix handling, chipping and storage shall be controlled by use of water sprays, foaming agents,

equipment design, or other control techniques to assure that no visible emissions occur for more than 6 minutes in any one (1) hour period beyond 10 feet from any emission point in accordance with EPA Method 22.

4) Whenever northerly wind velocities exceed 15 MPH, the following procedures shall be implemented:

I) The water misting manifold at the end of the fuel stacker boom shall be utilized.

ii) The canvas enclosure at the end of the fuel stacker boom shall be utilized.

iii) A series of sprinklers at ground level along the South end of both fuel piles will be utilized to wet the entire area.

iv) An annunciating alarm on the wind speed monitoring device specified in Condition #35 shall sound at the main operations control panel.

v) The fuel stacker shall be moved to a location which shields the fuel from blowing South, or moved to the north end of the fuel pile and the boom shall be lowered into an area cleared for emergency fuel stacking.

vi) The return fuel from the boilers to the fuel pile shall be minimized.

vii) Fuel shall be recycled when the truck dumps are closed so that stacker use can be minimized.

viii) Sprinklers shall be utilized for wetting the piled ash material noted in Condition 6c.

c. <u>Ash which is removed from the base of the boilers, from the classifiers, or from the electrostatic precipitators</u>

Such ash shall be handled in such a manner so as to prevent a public nuisance. Only ash removed from the base of the boilers or from the classifiers shall be allowed to be temporarily stored onsite in a 60 yd. X 30 yd. area. Sprinklers shall be utilized as

necessary to prevent any fugitive ash emissions from stored ash piles from leaving property boundaries. Ash removed from the electrostatic precipitators shall be removed from the site continuously or stored in containers having a cover. All ash shall be transported offsite in a wet condition in covered containers at all times unless transported in dry form in a totally sealed container. It shall be the responsibility of the plant owner/operator to insure that any and all contract or company carriers adhere to this condition.

d. Buildup of ash or sawdust on outside surfaces, including but not limited to the main building, boilers, electrostatic precipitators, support pads, road areas, etc.

Such surfaces shall be cleaned on a monthly basis to prevent the build-up of ash and/or fugitive sawdust.

e. Odors from chipped creosote-treated wood product material or paper mill pulp sludge storage piles

Such piles shall be covered as necessary to prevent a public nuisance if complaints from nearby receptors are verified by the District.

[District Permit 86-PO-08f, Condition 25]

7. Actual emissions of total particulate matter and non-methane hydrocarbons shall be offset by obtaining adequate fuel contracts within the Sacramento Valley Air Basin to provide an air quality benefit from the reduction of open-burning of such fuels. If fuel sources are within a 15-mile radius of the Energy Facility, an offset ratio of 1.2 to 1 shall be required. If fuel sources are beyond a 15-mile radius, an offset of 2.0 to 1 shall be required. The project owner/operator shall provide the District with documentation on an annual basis of contractual arrangements made to assure that adequate emissions offsets are obtained.

[District Permit 86-PO-08f, Condition 27]

8. All emission offsets obtained to satisfy Condition #7 shall meet the following requirements:

a. surplus

b. quantifiable

c. enforceable

d. permanent

The District will confirm and verify all offsets and the methods used to obtain such offsets.

Furthermore, any such permit conditions and/or contracts which are initiated to obtain and enforce such offsets shall become part of the Authority to Construct and Permit to Operate pursuant to District Rule 2:1, Section 607.

[District Permit 86-PO-08f, Condition 28]

9. Under no circumstances shall the permittee be allowed to emit quantities of pollutants in excess of the limits specified in Condition #5. If continuous emission monitoring data or emission testing pursuant to Condition #23 indicates an increase in emissions above the limits as specified in Condition #5, the permittee will take immediate action to bring the emissions to within the specified limits. Immediate action shall be defined as within four (4) hours of the occurrence which leads to the excess emission.

[District Permit 86-PO-08f, Condition 31]

OPERATING CONDITIONS

10. The permittee shall obtain the approval of the APCO prior to using a halogenated solvent in the cold cleaning solvent degreaser.

[40 CFR Part 63, Subpart T, MACT Standards for Halogenated Solvent Cleaning Operations].

11. Fuels utilized for the energy facility shall have a maximum contamination level of 1 percent by weight of foreign material and shall be limited to the following fuel sources:

a. Mill waste - waste wood from wood manufacturing operations.

b. Biomass fuel procured from private lands and public lands that

have been harvested in accordance with the State Forest Practice Act or a Management Plan consistent with the National Environmental Policy Act.

c. Agricultural residues such as almond and walnut shells and orchard prunings.

d. Hog fuel from eucalyptus or poplar plantations.

e. Hog fuel from clearings from PG&E and public road right-of-ways.

f. Hog fuel from land clearings conducted as part of a land development project which has been reviewed and approved by either Shasta County, the City of Anderson, the City of Redding, or the City of Shasta Lake.

g. Fuel cubes manufactured using mixed waste paper with paper mill pulp sludge as a binder. Binders other than paper mill pulp sludge may be utilized if the APCO determines that an emission increase will not occur with such use. Plastic contamination of the mixed waste paper shall be limited to 1 percent by weight of chlorinated plastics and 5 percent by weight of non-chlorinated plastics. Chemical addition shall not be allowed to the fuel cubes without express written permission from the APCO. Fuel cube production at the Wheelabrator Shasta facility shall be limited to a maximum of 200,000 Tons per year.

h. Chipped creosote-treated wood products recycled from industrial use. Wood products with any other chemical treatment shall not be allowed.

I. Natural Gas

j. Wood waste comprised of tree tops, limbs, woody yard waste, stumps, scrap lumber, pallets, or crates from the general public. This material **does not** include painted or chemically-treated wood including plywood, particle board, or hardboard.

k. Scrapped waxed and non-waxed corrugated cardboard and wood-reinforced cardboard box material. Plastic contamination of the waste cardboard shall be limited to 1 percent by weight of chlorinated plastics and 5 percent by weight of non-chlorinated plastics.

[District Permit 86-PO-08f, Condition No. 14]

12. Fuels utilized for the energy facility shall be limited to the following process rates:

    a. A combination of fuel cubes, as described in Condition #11(g), and/or cardboard and wood-reinforced cardboard box material as described in Condition #11 (k) shall be limited in use to 144,000 tons per year (wet basis) total for all three boilers or 25 percent of the heat input (Btu/hr.) as determined by daily operating logs of metering bin feed rates.

    b. Chipped creosote-treated wood as described in Condition #11 (h), shall be limited in use to a maximum of 65,000 bone dry tons per year for all three boilers or 25 percent of the heat input

       (Btu/hr.) as determined by daily operating logs of metering bin feed rates.

    c. Natural gas shall be allowed as a fuel up to 25 percent of the total heat input to the facility on an annual basis.

    d. If a combination of fuels, as described in Condition 11(a) through 11(k), is used at the energy facility, the charging rate of each specific fuel shall be adjusted from the maximum levels specified in Condition #12 (a), (b), and (c), to rates which assure that the emission limits in Condition #5 are not exceeded.

    [District Permit 86-PO-08f, Condition 17]

13. The air pollution control equipment shall be used at all times when the combustion process is occurring. Air pollution control equipment for this facility shall be defined as the following:

    a. Char/fly ash reinjection;

    b. Multiclone Collector;

    c. Electrostatic Precipitator;

    d. Combustion Controls;

    [District Permit 86-PO-08f, Condition No. 19]

14. The project owner/operator shall maintain, calibrate, and operate the following continuous emission monitors for each boiler at all times when the combustion process is occurring:

    a. Stack gas opacity monitor;

    b. Stack gas carbon monoxide monitor;

    c. Stack gas oxides of nitrogen monitor.

    d. Stack gas carbon dioxide or oxygen monitor

    These devices shall meet all applicable federal design and quality assurance requirements as specified in 40 CFR, Part 60, Appendixes B & F. Monitor output will be connected to a computer facility capable of producing a printout of average hourly and daily opacity and gas concentration values. Each of the above monitors shall have its data recorded on a chart. Furthermore, each stack shall be fitted with the above-named monitors.

    [District Permit 86-PO-08f, Condition 21]

15. Fuel shall be combusted on a first-in, first-out basis. No fuel shall be stored on site for a period equal to or greater than 180 days. The above time limitations may be further restricted if the APCO determines that fuel pile odors may cause a public nuisance.

    [District Permit 86-PO-08f Condition 26]

16. Combustion of wet fuel, i.e., fuel with moisture content greater than or equal to 55 percent, shall only be considered as an upset or malfunction condition when the slug feeding of fuel wetted by unusual storm occurrences causes emission excursions. Long term use of wet fuel is a foreseeable occurrence, and as such, will require compliance with all permit limits and District regulations.

    [District Permit 86-PO-08f, Condition 36]

17. Operation of this facility shall not exceed 8,760 hours per year. This hourly limitation applies to each separate boiler and generating equipment. The maximum heat input to the facility boilers shall not exceed 1017 MMBtu/hr. determined from daily fuel usage records.

    [District Permit 86-PO-08f, Condition 16]

TESTING, MONITORING AND REPORTING REQUIREMENTS

18. The project operator/owner shall monitor the following combustion and control parameters:

    a. Fuel feed rate and moisture content

    b. Percent oxygen in flue gas entering electrostatic precipitators

    c. Percent excess air in combustion zone

    d. Flue gas temperature

    e. Temperature at inlet/outlet of electrostatic precipitator

    f. Steam production rate

    g. Sulfur content of a composite sample (as fed) of fuels mentioned in Condition #11(g), 11(h), or 11(k) on a monthly basis if any of these fuels are utilized

    [District Permit 86-PO-08f, Condition 22]

19. Monthly emission reports shall be required for each boiler. The reports shall be submitted by the 15th of the month following data recording and shall include:

    a. The 30-day rolling average of:

        1) CO emissions (expressed in ppmv)

        2) NOx emissions (expressed in ppmv and lb/MMBtu).

        All periods of in-operation shall be excluded from the averages.

    b. Notification of all periods six (6) minutes and longer in duration when opacity exceeds 20 percent and the reason for the excursion.

    c. Notification of all periods exceeding the three hour block average permit limitation for oxides of nitrogen and the reason

for the excursion.

d. Notification of all periods the continuous monitors were not functioning and the reasons for the same.

e. If no permit limitations have been exceeded, the report must so state.

f. The number of hours per day and number of hours per month that each boiler was operating.

g. The annual capacity factor for the previous 12 months for the entire facility.

h. Fuel consumption and sulfur content of composite fuel sample if fuels specified in Condition #11 (g),(h), or (k) are used.

[District Permit 86-PO-08f, Condition 32]

20. Upon start-up on both of the fuels mentioned in Condition #11 (g) and 11 (h), at the time of the first annual test required under operating Condition #23, emission testing for Ammonia, ROC, SO_2, PCDD, PCDF, PCB and Vinyl Chloride shall be conducted on one of the boilers in accordance with the test requirements and procedures. Results of the emission testing shall be provided to the District within forty-five (45) days after testing. A testing protocol shall be submitted to the District thirty (30) days prior to testing, and the District shall be notified at least ten (10) days prior to the actual date of testing so that a District observer can be present.

[District Permit 86-PO-08f, Condition 33]

21. The following emission tests using the specified test methods shall be used for emission testing required by Conditions #20 and #23:

a. Sulfur Dioxide — ARB Method 100

b. Reactive Organic Compounds — ARB Method 100

c. Particulate Matter — EPA Method 5
ARB Method 5

d. Ammonia — BAAQMD ST-1B

e. PCDD, PCDF, PCB ARB Method 428

f. PAH ARB Method 429

g. Vinyl Chloride ARB Method 422

[District Permit 86-PO-08f, Condition 34]

22. The emission testing shall be conducted by an independent testing firm in strict compliance with the specified test methods. Any deviation from the test methods must receive prior approval from the District.

[District Permit 86-PO-08f, Condition 35]

23. Periodic emission testing shall be required pursuant to District Rule 2:11.a.3.(f). Results of all stack tests shall be forwarded to the District for compliance verification.

[District permit 86-PO-08f, Condition No. 24]

24. Emissions exceeding any of the limits established in this permit or the level of emissions for which a variance was granted, shall be immediately reported to the Air Pollution Control Officer (APCO):

a. For scheduled maintenance of a permitted emission source, notice shall be provided to the APCO at least twenty-four (24) hours prior to shutdown, whether or not an emission exceedance is expected.

b. The emission source operator shall notify the APCO within four (4) hours of the occurrence of any excess emission and provide information on the time, duration, cause, and extent of the excess emission. Upon the request of the APCO, a full, written report of each occurrence, including a statement of all known causes and the nature of the actions to be taken pursuant to the requirements of Rule 3:10 or Rule 5 shall be submitted to the District.

c. Corrective action shall be taken immediately by the operator of the emission source to correct the conditions causing excessive emissions to reduce the frequency of the occurrence of such conditions. In no event shall equipment be operated in a manner that creates excessive emissions beyond the end of the work shift

or twenty-four (24) hours, whichever occurs first.

d. An emergency constitutes an affirmative defense to any action brought for non-compliance with technology-based emission limits if:

1) The emission source operator can identify the cause(s) of the emergency
2) The permitted facility was at the time being properly operated
3) During the period of the emergency, the emission source operator took all reasonable steps to minimize levels of excess emission, and
4) The emission source operator submitted notice of the emergency to the APCO in accordance with this condition.

(For the purposes of this condition, emergency shall be as defined in Title 40 of the *Code of Federal Regulations*, Part 70, Section 70.6(g); i.e. "any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency.")

Within two (2) working days of the emergency event, the permittee shall provide the District with a description of the emergency and any mitigating or corrective actions taken. Within two (2) weeks of an emergency event, the responsible official shall submit to the District a properly signed contemporaneous log or other relevant evidence that contains all the information for what constitutes an emergency (as described above in d.1-4 of this condition).

In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

e. An excess emission occurrence may not avoid enforcement action by the APCO if the occurrence is caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

f. Nothing expressed in this Condition shall be construed to limit

enforcement authorities under the Federal Clean Air Act.

g. Excess emissions during start-up and shut-down shall be considered a violation (except as allowed by Title 40 of the *Code of Federal Regulations*, Part 60, Section 60.8(c)) if the owner or operator cannot demonstrate that the excess emissions are unavoidable when requested to do so by the APCO. The APCO may specify for a particular source the amount, time, duration, and under what circumstances excess emissions are allowed during start-up or shut-down. The owner or operator shall, to the extent practicable, operate the emission source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down.

[SCAQMD Rule 3:10, Excess Emissions; SCAQMD Rule 5]

25. The permittee shall report any deviation from permit requirements in this Title V Operating Permit, other than emergency events, to the APCO via phone or Fax within 96 hours of the occurrence. A report using District approved forms, for each deviation from the permit requirement shall be prepared by the permittee if requested by the APCO within two (2) weeks after the initial detection of the deviation. Unless

requested earlier by the APCO, these reports shall be submitted to the APCO as part of the permittee's semiannual monitoring report.

[SCAQMD Rule 5]

26. The permittee shall submit a written monitoring report to the APCO every six months. The reporting periods shall be ***July 23 to January 22, and January 23 through July 22***. These reports shall be submitted within 45 days of the end of each reporting period. When no deviations have occurred for the reporting period, such information shall be stated in the report. The monitoring report shall include at a minimum:

a. A report for each deviation from a permit requirement that occurred during the reporting period, including emergency events. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken. The permittee shall use District

approved forms to report each deviation from permit requirements.

b. Results from any emission testing done during the reporting period

c. A Certification Report form (Form 5-J1), which includes a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

[SCAQMD Rule 5]

27. The permittee shall submit compliance certification reports to the U.S. EPA and the APCO every twelve months. The report shall be submitted before the permit renewal date. The permittee shall use District approved forms for the compliance certification and shall also include a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

[SCAQMD Rule 5]

28. The permittee shall verify compliance with the emission limits stated in condition No.1 for any emission sources (other than the boilers) that are listed on this permit upon request of the APCO. If emission testing is conducted, the permittee shall conduct the test in accordance with the methodologies contained in CARB Methods 1 through 5 or any method approved by the U.S. Environmental Protection Agency.

[SCAQMD Rule 5]

29. The permittee shall continuously employ at least one staff person at the facility site who maintains certification by the California Air Resources Board as a Visible Emission Evaluator capable of accurately discerning stack opacity. Daily visual opacity inspections of the boiler stack exhausts in accordance with 40 CFR Part 60, Appendix A, Method 9. shall be conducted during daylight hours by the certified emission evaluator whenever the boilers are operational. In addition, whenever visible emissions other than uncombined water vapor exceeding the opacity limitations expressed in Condition #3 of this permit are suspected, the evaluator shall take opacity readings. If the opacity is above the expressed limitation, the owner/operator shall take appropriate and timely action as required by Condition #24 of this permit to report the excess emission condition to the District and identify and correct the problem causing the opacity exceedance. The owner/operator shall maintain the following records for all daily

opacity readings taken under this permit condition:

a. Date and time of reading
b. Emission point identification
c. Operational status of the boiler
d. Observed results and conclusions
e. Description of corrective action taken to resolve any excessive opacity condition
f. Date and time opacity problem resolved
g. Method 9 observation results
h. Name of person performing the observation

In addition, the permittee shall test for the opacity emissions limit specified in Condition #3 upon the request of the APCO.

[SCAQMD Rule 5];[District Permit 86-PO-08f, Condition 15]

30. Records of all monitoring and support information shall include the following: 1) date, place, and time of measurement or monitoring equipment maintenance activity; 2) operating conditions at the time of measurement or monitoring equipment maintenance activity; 3) date, place, name of company or entity that performed the measurement or monitoring equipment maintenance activity and the methods used; and 4) results of the measurement or monitoring equipment maintenance. All monitoring and support information shall be retained for at least five years from date of collection, measurement, report, or application.

[SCAQMD Rule 5]

31. The owner or operator shall provide written notification of any physical or operational change to the facility that may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR Part 60.14(e). This notice shall be post marked 60 days or as soon as practical before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The District may request additional information subsequent to this notice.

[40 CFR Part 60.7(a)4]

32. The Permittee shall maintain a file of all measurements, including

continuous monitoring system, monitoring device, and performance testing measurements, all continuous monitoring system performance evaluations, all continuous monitoring system or monitoring device calibration checks, adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 years following the date of such measurements, maintenance, reports and records.

[40 CFR Part 60.7(e), District Rule 5]

33. The permittee shall provide the APCO at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the administrator the opportunity to have an observer present.

[40 CFR Part 60.8(d)

34. The permittee shall provide or cause to be provided, testing facilities as follows:

    a. Sampling ports adequate for test methods applicable to such facility. This includes:

        1) Constructing the air pollution control system such that volumetric flow rates and pollution emission rates can be accurately determined by applicable test methods and procedures and,
        2) Providing stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

    b. Safe sampling platform(s).

    c. Safe access to sampling platform(s).

    d. Utilities for sampling and testing equipment.

    [40 CFR Part 60.8.e]

35. A continuous system to monitor wind speed and wind direction shall be installed, maintained, calibrated, and operated at the plant site. The system shall record measurement on continuous chart paper for verification and use by the District. Such measurement records shall

be stored on site and available to the District for a minimum of thirty-six (36) months from date of record.

[District Permit 86-PO-08f, Condition 29]

36. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

[40 CFR Part 60.11(d)]

37. The span value for the continuous measuring system for measuring opacity shall be between 60 and 80 percent.

[40 CFR Part 60.48b((e)(1)]

38. When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdown, repairs, calibration checks and zero and span adjustments, emission data shall be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating operating days.

[40 CFR Part 60.48b((f),(g)]

39. The owner or operator shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each month.

[40 CFR Part 60.49b(d)]

40. This stationary source, as defined in 40 CFR Part 68.3, is subject to 40 CFR Part 68. This stationary source shall submit a Risk Management Plan (RMP) by the date specified in 40 CFR Part 68.10. This stationary source shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by District Rule 5.

[40 CFR Part 68]

STANDARD CONDITIONS

41. References to rules, regulations, etc., within this permit shall be interpreted as referring to such rules and regulations in their configuration and language as of the date of issuance of the Permit to Operate.

    [District Permit 86-PO-08f, Condition 30]

42. The permittee shall comply with all permit conditions of this Title V operating permit.

    [SCAQMD Rule 5]

43. The permit does not convey property rights or exclusive privilege of any sort.

    [SCAQMD Rule 5]

44. The non-compliance with any permit condition herein is grounds for Title V Operating Permit and District Permit to Operate termination, revocation, modification, enforcement action, or denial of permit renewal.
    [SCAQMD Rule 5]

45. This permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by the District.

    [SCAQMD Rule 5]

46. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

    [SCAQMD Rule 5]

47. A pending permit action or notification of anticipated non-compliance does not stay any permit condition. [SCAQMD Rule 5]

48. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: 1) Compliance with the permit, or 2) Whether cause exists for a permit or enforcement action.

    [SCAQMD Rule 5]

49. Any person who is building, erecting, altering, or replacing any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary and who is not exempt under Section 42310 of the *California Health and Safety Code*, the use of which may cause the issuance of air contaminants, shall first obtain written authority for such construction from the Air Pollution Control Officer (APCO).

    [SCAQMD Rule 2:1A, Permits Required 54 FR 26381, 6/18/82]

50. Before any article, machine, equipment or other contrivance, or multi-component system including same, portable or stationary, not exempt under Section 42310, the use of which may cause the issuance of air contaminants, may be operated or used, a written permit shall be obtained from the APCO.

    [SCAQMD Rule 2:1A]

51. Where an application for or issuance of a permit is pending or in the event of an emergency occurring as a result of an excusable malfunction of a device under permit, the APCO may authorize the operation of the article, machine, equipment, device, or other contrivance or multi-component system for which a permit is sought for periods of time not to exceed sixty (60) days each for the purpose of testing, experimentation, or obtaining necessary data for a permit or correcting a malfunction. No fee or application will be required for such authorization.

    [SCAQMD Rule 2:1A]

52. No person shall willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any article, machine, equipment, or other contrivance.

[SCAQMD Rule 2:21, Defacing Permit, 37 FR 19812, 9/22/72 (current Rule 2:24)]

53. A person who has been granted a Permit to Operate as described in Rule 2:1A.b. shall firmly affix such permit, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

    [SCAQMD Rule 2:23, Posting of Permit to Operate, 54 FR 14650, 9/22/72]

54. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution that any article, machine, equipment, or other contrivance will produce and that any air pollution control district or any other state or local agency or District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

    [SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

55. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

    [SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

56. Except as otherwise provided in Condition #57 (below), trade secrets are not public records under this Condition. As used in this Condition, "trade secrets" may include (but are not limited to) any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:

    a. Is not patented,

b. Is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, **and**

c. Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

57. Notwithstanding any other provision of law, all air pollution emission data, including those emission data that constitute trade secrets as defined in subdivision c, are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision, and data that constitute trade secrets and that are used to calculate emission data are not public records.

[SCAQMD Rule 2:25, Public Records -- Trade Secrets, 42 FR 42223, 8/22/77]

58. Pursuant to District Rule 2:16, the Air Pollution Control Officer (APCO) may revoke an existing Authority to Construct and/or Permit to Operate if the applicant and/or permittee violates the conditions of such permit as specified by the APCO. The APCO may reinstate the permit at such time as the applicant and/or permittee shows that the condition(s) previously violated are now being attained. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation that resulted from the failure to meet any permit condition as specified by the APCO.

[SCAQMD Rule 2:26, Revocation of Permit, 54 FR 14650, 4/12/89]

59. Each and every provision of Federal or State law or applicable Air Basin Plan now or hereinafter enacted or as amended that regulates the discharge of any air contaminants is incorporated here by reference.
Where such provisions conflict with local rules and regulations, the more restrictive provisions shall apply.

[SCAQMD Rule 3:1, Applicability of State Laws, 42 FR 42223, 8/22/77]

60. The Regional Administrator of U.S. Environmental Protection Agency (U.S. EPA), the Executive Officer of the California Air Resources

Board, the APCO, or their authorized representatives, upon the presentation of credentials, shall be permitted to enter upon the premises:

a. To inspect the stationary source, including equipment, work practices, operations, and emission-related activity; and

b. To inspect and duplicate records required by this Permit to Operate; and

c. To sample substances or monitor emissions from the source or other parameters to assure compliance with the permit or applicable requirements. Monitoring of emissions can include source testing.

[SCAQMD Rule 5]

61. The provisions of this Title V Operating Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit to Operate shall not be affected thereby.

[SCAQMD Rule 5]

62. This Operating Permit shall become invalid five years from the date of issuance. Wheelabrator Shasta Energy Company, Inc. shall apply for renewal of this permit no earlier than 6 months before the date of expiration. Upon submittal of a timely and complete renewal application, this Operating Permit shall remain in effect until the APCO issues or denies the renewal application.

[SCAQMD Rule 5]

63. The permittee shall remit the Title V supplemental annual fee to the district in a timely basis. Failure to remit fees on a timely basis is grounds for forfeiture of this Operating Permit and the District Permit to Operate. Operation without a permit to operate subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to section 502(a) of the Clean Air Act.

[SCAQMD Rule 5]

64. Persons performing maintenance, service, repair or disposal of appliances using CFC's, HCFC's, or other ozone-depleting substances must be certified by an approved technician certification program.

[40 CFR Part 82.161, Stratospheric Ozone Protection]

65. Persons opening appliances using CFC's, HCFC's or other ozone depleting substances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.

[40 CFR 82.156, Stratospheric Ozone Protection]

66. Equipment used during the maintenance, service, repair, or disposal of appliances using CFC's, HCFC's or ozone-depleting substances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

[40 CFR 82.158, Stratospheric Ozone Protection]

67. No person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation.

[SCAQMD Rule 3:6, Circumvention, 42 FR 42223, 8/22/77, 40 CFR Part 60.12]

68. This permit is not transferable from either one location to another, one piece of equipment to another, or from one person to another.

[District Permit 86-PO-08f, Condition 2]

69. Equipment is to be maintained so that it operates as it did when the permit was issued.

[District Permit 86-PO-08f, Condition 3]

70. If any provision of this permit is found invalid, such finding shall not affect the remaining provisions.

[District Permit 86-PO-08f, Condition 7]

71. All equipment, facilities, and systems shall be designed to be operated in a manner that minimizes air pollutant emissions and maintains compliance with the conditions of this permit and the regulations of the District.

[District Permit 86-PO-08f, Condition 8]

72. The right of entry described in *California Health and Safety Code* Section 41510, Division 26, shall apply at all times.

[District Permit 86-PO-08f, Condition 11]

73. The operating staff of this facility shall be advised of and familiar with all the conditions of this permit.

[District Permit 86-PO-08f, Condition 12]

74. This facility is subject to the applicable New Source Performance Standards codified in 40 CFR 60 Subparts A, D, & Db.

[District Permit 86-PO-08f, Condition 13]